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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 WILFREDO A. GOLEZ,

12 Plaintiff,

13 v.

14 JOHN E POTTER, POSTMASTER
GENERAL U.S. POSTAL SERVICE,

15 Defendant.

Case No. 09cv965 BTM(WMc)

**ORDER DENYING REQUEST FOR
TEMPORARY RESTRAINING
ORDER**

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17 On August 20, 2010, Plaintiff filed (1) a motion for leave of court to file a request for
18 a temporary restraining order ("TRO") and (2) a request for a TRO.

19 The motion for leave of court to file the request for a TRO is **DENIED AS MOOT**. No
20 leave of Court is required, and the request for a TRO has been filed and docketed.

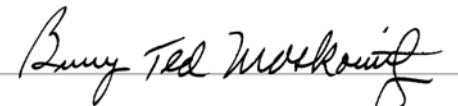
21 In his request for a TRO, Plaintiff asks that the Court enjoin Defendant from
22 "collecting, garnishing or offsetting from Plaintiff's financial accounts . . . to satisfy alleged
23 Wage over payments." Plaintiff attaches documents showing that the Department of
24 Treasury applied Plaintiff's 2009 tax refund in the amount of \$1,295.00 to a debt Plaintiff
25 allegedly owes to an agency of the United States. Plaintiff indicates that the debt at issue
26 is an alleged overpayment of wages in connection with a 14-day suspension. However,
27 Plaintiff has not submitted any evidence in this regard. Nor has Plaintiff submitted evidence
28 that the 14-day suspension was unjustified or in violation of his rights.

1 Injunctive relief is an extraordinary remedy that may only be awarded upon a clear
2 showing that the plaintiff is entitled to such relief. Winter v. Natural Res. Def. Council, Inc.,
3 ___ U.S. ___, 129 S. Ct. 365, 375-76 (2008). A plaintiff seeking preliminary injunctive relief
4 “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable
5 harm in the absence of preliminary relief, that the balance of equities tips in his favor, and
6 that an injunction is in the public interest.” Id.

7 Because Plaintiff has not presented evidence supporting his claim, Plaintiff has failed
8 to establish that he is likely to succeed on the merits of his claim. Therefore, the Court
9 **DENIES** Plaintiff’s request for a TRO without prejudice. If Plaintiff can present evidence that
10 he was unlawfully suspended and that Defendant is attempting to collect for overpayment
11 of wages in connection with the suspension, Plaintiff may file a new request for a TRO
12 accompanied by the relevant documents, affidavits, and/or other evidence.

13 **IT IS SO ORDERED.**

14 DATED: August 23, 2010

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17 Honorable Barry Ted Moskowitz
United States District Judge